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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,066	03/17/2000	Douglas Rugg	5544.1 413428/031	3129

7590 07/25/2002
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EXAMINER

GARBE, STEPHEN P

ART UNIT PAPER NUMBER

3727

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

09/527,066

Applicant(s)

RUGG, DOUGLAS

Examiner

Stephen Garbe

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 12, 2002, has been entered.
2. Regarding the format of the amendment filed July 12, 2002, it is questioned why the font used for some of the claims is smaller than the font used for others. When a clean copy of all claims, including those that are not amended, is presented, all such claims are entered. Thus, they should all be in the same font. In addition, the marked-up copy of the claims should not include a copy of any claim that has not been amended. The marked-up copy of amended claims is required so that the PTO can easily determine what changes were made to the amended claims relative to the previous version of those claims. Since claims that were not amended have no change, it is unnecessary to submit a "marked-up" copy of those claims.
3. Page 17 of the written description is objected to because it uses reference number 472 for two different features. Note the last two paragraphs. It appears that "location 472" in the penultimate paragraph should, instead, read "location 72."
4. Upon reconsideration, the claims are indefinite for the reasons set forth below. In the next amendment, applicant is requested to provide reference numbers in the claims so that it is clear which elements of the disclosure are being claimed.
5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations directed to the handle are indefinite because it cannot be determined what handle and elongated strap structures and arrangements are claimed. This claim is further objected to under 37 C.F.R. 1.75(d)(1) because the terms and phrases, as used in this claim, do not find clear support or antecedent basis in the description, and it cannot be determined what they are claiming. The term "elongated strap" is inconsistent with the written description because the claim requires it to be part of the "carrying handle," whereas, according to the written description, the "carrying handle" 464 and the "elongated strap" 492, 500 are two different elements. Furthermore, neither end of the elongated strap 492, 500 is connected to the exterior surface of the outer member 434. Similarly, the term "strap member" in line 9 is inconsistent with the written description because there is only one disclosed "strap member," i.e. "elongated strap member" 492, 500, and the elongated strap member is also recited in this claim. Thus, it is unclear what the "strap member" is. It was first thought that the term "elongated strap" might be referring to the strap used to make carrying handle 464 and that the term "strap member" might be referring to "loop member" 472. However, the claim also requires that a "connecting member" on the "elongated strap" cooperate with a "cooperating connecting member" on the "strap member." But, the only element connecting "strap member" 472 and "elongated strap"

464 is connecting member 476. Thus, it is unclear what handle arrangement is required by this claim.

7. Claims 2-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are indefinite for the same reason as claim 1 because they include all of its limitations.

8. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite because it cannot be determined what handle and elongated strap structures and arrangements are claimed. This claim is further objected to under 37 C.F.R. 1.75(d)(1) because the terms and phrases, as used in this claim, do not find clear support or antecedent basis in the description, and it cannot be determined what they are claiming. In particular, the terminology used in the recitations of the handle and strap structures are not consistent with the written description of those elements on pages 18 and 19 which are directed to the arrangement illustrated in Figure 14. The second paragraph, after the preamble, first recites a carrying handle having one end attached to the outer member. The handle is numbered 464 and the outer member is numbered 434. Then it recites that the carrying handle has an elongated strap. However, the written description states that the elongated strap is the element numbered 492 and 500, which is not part of the carrying handle. The claim further recites that one end of the elongated strap is attached to the outer member. However, neither end of strap 492, 500 is attached to the outer member

434. The claim further requires a strap member. Since the only strap mentioned in the written description is the elongated carrying strap, it is not clear what the claimed "strap member" is supposed to be. Furthermore, the recitation of "a carrying handle" in the third-to-last line of the paragraph renders the claim indefinite because it is unclear whether it refers to the same carrying handle recited in the first line of the paragraph or whether it refers to an additional handle. Thus, it is unclear what handle arrangement is required by this claim.

9. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are indefinite as claim 18 because they include all of its limitations.

10. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim still has a double recitation. In the second paragraph, the first three lines recite "a carrying handle . . . connected in a predetermined position . . . at a location other than the opening." Then, beginning at the end of the third line, the claim recites, "said carrying handle being positioned at a location other than the opening." Such a double recitation is confusing. The limitation beginning with "said carrying" at the end of the third line and ending with "opening" at the beginning of the sixth line should be deleted in its entirety. The remainder of the limitations directed to the handle structure are indefinite because it is unclear which element is intended by the term "elongated strap." It cannot be element 492, 500

because neither end of it is connected to the exterior surface of the outer member. And, it cannot be carrying handle 464 because there is only one connecting member between it and loop member 472. Furthermore, the recitation of "a carrying handle" in the third-to-last line of the paragraph renders the claim indefinite because it is unclear whether it refers to the same carrying handle recited in the first line of the paragraph or whether it refers to an additional handle. Clarification is required.

11. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This claim is indefinite for the same reason as claim 21 because it includes all of the limitations of claim 21.

12. Any inquiry concerning this application or proceeding should be directed to Stephen Garbe who can be reached at 703-308-1207. The examiner can normally be reached Monday-Thursday between the hours of 7:15 and 4:45 and alternate Fridays between the hours of 7:15 and 3:45.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on 703-308-2572.

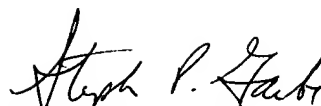
14. The fax phone numbers for Technology Center 3700 are 703-872-9302 for papers filed in response to a non-final Office Action and 703-872-9303 for papers filed in response to a Final Office Action.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, whose telephone number is 703-308-1148.

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Stephen P. Garbe
Primary Examiner
Group 3720